

### **REMARKS**

The Advisory Action indicates that the Response filed on February 3, 2006 was considered but did not place the application in condition for allowance. Claims 1-56, 103 and 104 have been canceled without prejudice or disclaimer. New claims 148-159 have been added. Subsequent to the entry of the present amendment, claims 148-159 are pending and at issue. These claims add no new matter as the claim language is fully supported by the specification and original claims. The present response is being filed in conjunction with a Request for Continued Examination (RCE) and Applicants request entry of the amendment.

#### **I. Rejections under 35 U.S.C. §103**

Claims 1, 5-10, 13-21, 25-27, 30-39, 43-48, 51-56, 103 and 104 are rejected under 35 U.S.C. §103(a) as being obvious over Cao (U.S. Patent No. 6,331,111) in view of Mills et al (WO 99/16136).

Claims 2, 22 and 40 are rejected under 35 U.S.C. §103(a) as being obvious over Cao in view of Mills as applied to claim 1 above, and further in view of Janzen et al (U.S. Patent No. 4,893,354).

Claims 3, 4, 11, 12, 23, 24, 28, 29, 41, 42, 49 and 50 are rejected under 35 U.S.C. §103(a) as being obvious over Cao in view of Mills as applied to claim 1 above, and further in view of Kennedy (U.S. Patent No. 5,420,768).

Applicants have canceled claims 1-56, 103 and 104, rendering these rejections moot.

#### **II. New claims**

Claims 148-159 have been added. Support for these new claims can be found throughout the application as originally filed. In particular and with reference to the application as published by the United States Patent and Trademark Office, support for new claims 148, 149, 153 to 157 and 159 can be found in Figure 1700 and paragraph [0062], support for new claims 150 to 152 can be found in paragraph [0058] and support for new claim 158 can be found in the claims as originally filed and for example in paragraph [0064].

In re Application of:  
Ostler et al.  
Application No.: 09/801,351  
Filed: March 7, 2001  
Page 6

PATENT  
Attorney Docket No.: MBM1410

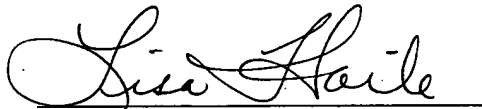
**III. Conclusion**

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

Check number 582705 in the amount of \$1,240.00 is enclosed as payment for the Request for Continued Examination fee and the two-month extension of time fee. Applicants do not believe any other fees are due in connection with this Response. However, the Commissioner is hereby authorized to charge any fees that are required or credit any overpayments to Deposit Account No. 07-1896, referencing the above-identified attorney docket number. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Dated: July 21, 2006



Lisa A. Haile, J.D., Ph.D.  
Registration No. 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP  
4365 Executive Drive, Suite 1100  
San Diego, CA 92121-2133  
USPTO Customer Number 28213